IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Juha-Pekka LUOMA	Confirmation No.: 5013
Application No.: 10/539,852	Examiner: Mohammad N. RAHMAN
Filed: June 20, 2006	Group Art Unit: 2161

For: METHOD AND APPARATUS OF ANNOUNCING SESSIONS TRANSMITTED THROUGH A NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests a pre-appeal brief review be made of the present application for at least the following clear errors.

I. SUMMARY

By way of example, the claimed method (taking claim 1 as representative) comprises "providing a first set of announcements describing a plurality of multimedia sessions transmitted through a network; providing a second set of announcements describing at least one updated multimedia session; and transmitting said first and second set o announcements."

II. ISSUE

Whether claims 1, 2, 5, 7, 9, 10, 13, 15, 21, 22, 25-29, 31, 34, 43-45, 53-55, 58-61, and 75-77 are anticipated by *Slaughter et al.* (US 7,080,078) under 35 U.S.C. § 102 (e).

The Examiner clearly errs by ignoring the features of "providing a first set of **announcements describing** a plurality of **multimedia sessions** transmitted through a network."

The cited portions of *Slaughter et al.* relied upon by the Examiner relates to the announcement of "space services" (not a session, much less a multimedia session) about their presence on a local area network. Applicants respectfully note that these "space services" cannot be reasonably equated to the claimed "multimedia sessions." As Applicants have maintained, *Slaughter et al.* defines "spaces" as "object repositories to provide a rendezvous mechanism or catalyst for the interaction between clients and services" (see e.g., col. 7, lines 46-50). Moreover, a "service" is defined by *Slaughter et al.* as "an entity that can be used by a person, a program, or another service."

The Examiner improperly attempts to broaden the notion of "space services" to include the description of sessions by referring to col. 73, lines 52-59. This cited passage states (Emphasis Added):

> Client Displays
>
> There are several methods in which results from a service run by a client may be displayed in a distributed computing environment. Devices that may display results may include, but are not limited to: CRTs on computers; LCDs on laptops, notebooks displays, etc; printers; speakers; and any other device **capable of displaying results of the service in visual, audio, or other perceptible format**.

From the above passage, Applicants submit that the discussion of the capability of a display device bears no relevance to the announcement of the service spaces. The Examiner refers to the passage for a supposed teaching of some form of media (e.g., visual, audio); however, this is entirely taken out of context with respect to any announcement.

The Examiner is reminded that 35 U.S.C. § 132 requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection

"is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." ***Chester v. Miller***, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond." Unfortunately, the Examiner's only discussion of the feature of "announcements describing a plurality of multimedia sessions transmitted through a network" pertains to vague references to seemingly irrelevant passages (i.e., col. 41, lines 19-23; and col. 73, lines 52-59).

Based on the foregoing, it is quite evident that the claimed feature of "**announcements describing** a plurality of **multimedia sessions** transmitted through a network" cannot be found within the four corners of *Slaughter et al.* As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Slaughter et al.* fails to anticipate the pending claims.

III. CONCLUSION

For the foregoing reasons, the Appeal Brief Panel is respectfully requested to withdraw the rejection of the present application in light of these clear errors and allow the pending claims.

Respectfully Submitted,

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April 7, 2009
Date

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